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CONSTITUTIONAL LAW—IMPRISONMENT FOR DEBT.—One "W" was convicted under a statute of North Carolina, providing that if any tenant or cropper shall procure advances from his landlord to enable him to make a crop on the land rented by him, and then willfully abandon the same without good cause and before paying for such advances, he will be deemed guilty of a misdemeanor and punishable by imprisonment. (Revisal 1905 art. 3366.) On appeal, *held*, that the statute was unconstitutional as violating the State Constitution, providing that there shall be no imprisonment for debt except in cases of fraud. *State v. Williams*, (1909), — N. C. —, 63 S. E. 949.

Various provisions are to be found in the constitutions of the different states, as to imprisonment for debt. In most states it is prohibited, but some allow imprisonment for debt in cases of fraud. Where the state constitution prohibits imprisonment for debt, as that which is prohibited to be done directly cannot be accomplished by indirection, the legislature cannot declare the mere non-performance of a contract to be a misdemeanor, for that would amount to an attempt to legalize imprisonment for debt. *Carr v. State*, 106 Ala. 35; *State v. Paint Rock Coal*, 92 Tenn. 81. Where the constitutional provision allows imprisonment for debt in cases of fraud, if the purpose is to punish for fraudulent and deceitful practices, it is valid, even though the fraud or deceit may arise from the failure to comply with a contractual engagement. *Lamar v. State*, 120 Ga. 312; *Banks v. State*, 124 Ga. 15; *State v. Norman*, 110 N. C. 484; *Ledford v. Emerson*, 143 N. C. 527, 55 S. E. 969; *State v. Torrence*, 127 N. C. 550. But even in this class fraud must be proved. *Ledford v. Emerson*, 143 N. C. 527; *Meyer v. Berlande*, 39 Minn. 438. The mere fact that one willfully abandons the contract does not necessarily mean that the act is fraudulent. *Ex parte Holmon*, — S. C. —, 60 S. E. 19; *Ex parte Drayton*, 153 Fed. 986. The legislature may provide, however, as a rule of evidence that failure to perform such contract or return the money, shall be prima facie evidence of fraud, if it leaves the party a fair opportunity to establish his defence. *State v. Thomas*, 144 Ala. 77. The Supreme Court of New Jersey has held, however, that such conduct on the part of the debtor is fraud. *Ex parte Clark*, 20 N. J. L. 648. The court in its decision, considered the act wholly in its relation to the state constitution but in the *Peonage Cases*, 123 Fed. 671, a similar statute was held void as a violation of the Federal Constitution as denying to the classes of citizens affected the equal protection of the laws.

ELECTIONS—CONSTITUTIONALITY OF "TERRELL ELECTION LAW."—Payment of poll tax is by the constitution of Texas made a prerequisite to the right to vote in that state. By section 170 of what is known as the "Terrell Election Law" (Laws 1905, p. 561, c. 11), it is provided that "Any person who loans or advances money to another knowingly to be used for paying the poll tax of such other person is guilty of a misdemeanor." Where one A was convicted of violating this law and appealed, the Appellate Court on rehearing held the law constitutional. (DAVIDSON, P.J., dissenting. *Solon v. State*, (1909), — Tex. Crim. App. —, 114 S. W. 349.